

## TOWN OF TUPPER LAKE REGULAR TOWN BOARD MEETING

September 9, 2013

Roll Call: Supervisor Roger Amell  
Councilwoman Kathleen Lefebvre  
Councilman John Quinn  
Councilwoman Patricia Littlefield  
Councilman Gerald Fletcher

Recording Secretary: Laurie J Fuller – Town Clerk

Press: Tupper Lake Free Press – Dan McClelland  
Ted Morgan – WNBZ

Also: Paul O’Leary – Assessor/Code Officer  
Mike Fritts – Youth Activity Director  
Mike Gaff – Little Wolf Campground Caretaker  
Kirk Gagnier – Town Attorney

Absent - William Dechene Highway Superintendent

Guest: Michelle Clement – Chamber Events Coordinator  
Dennis Ryan – Interest in purchasing Setting Pole Dam  
Tom Lawson – Resident  
Jerry Maliszewski – Resident  
Rick Donah – Village Trustee  
Sarah Dew-Pratt – Timber Tots Childcare  
Pete Edwards – Tupper Lake Snowmobile Club

Supervisor Amell called regular Town Board meeting to order at 4:02 p.m. opening with the Pledge of Allegiance.

1. Michelle Clement  
Chamber Events Coordinator:

Michelle updated board members on the recent accomplishments of the Tupper Lake Chamber of Commerce that have been possible due to the support from the Town and Village. She asked that the town continues funding the events coordinator position in its 2014 budget. The chamber is currently working on a strong plan for 2014 to move the organization forward to becoming “the tourist engine for Tupper Lake”.

Board members thanked Michelle for all her hard work she put into the events.

2. Dennis Ryan  
Discuss purchasing dam:

Dennis Ryan, Vice President of the Renewable Energy Division of a Buffalo based company called ECOsponsible, Inc. gave presentation to town board members & guest about possibly

purchasing Town owned Setting Pole Dam and seven acre parcel. His company will use it to generate hydro-electricity in the years ahead using state of the art river bottom turbines. The company uses readily scalable technologies to generate utility and village-scale electric power from natural underwater currents found in rivers. The company would also install a modern computer-run flood control system to the facility where an automatic head level sensor would continually monitor the elevation of the river, Tupper Lake and Raquette Pond and adjust the dam gates immediately, as necessary. The minute the water level changes the dam gates automatically open or close. The system is monitored 24/7 and has a weather satellite built into it, which will reduce flooding hazard to town and village residents. This was a question and concern of Jerry Maliszewski, Sunset Park Motel owner.

Another benefit in selling the dam would be reducing the Town's liability, eliminates all regular dam maintenance costs & expenses, the dam has stress cracks which need to be repair selling the dam will save taxpayers that expense, also places the parcel of land back on the tax roll generating real property tax revenue.

One megawatt of electricity is enough to power 300 homes.

3. Rick Donah

Update on emergency building:

Village Trustee Rick Donah updated town board members on the emergency service building. After the village vote this spring there were several meetings in July where he and several others met with police and fire department supervisors to advance design process. The bid process began August 1<sup>st</sup> with all documents going out to potential bidders, that is where the project needed to be to make it eligible the now required federal grant. Bids were opened on August 22<sup>nd</sup>. The total low bids in bidding categories of general mechanical, plumbing and fire protection and electrical was \$2.55 million. No local contractors bid. Total cost of project is between \$3.8 and \$3.9 million. It all comes down to the grant, hoping to here by October 4<sup>th</sup>. The sandy soil at the Santa Clara Ave. site does not make for an earthquake prepared building, so that material will have to be replaced down a depth of eight feet. Changing the material added another \$150,000 cost to the project. The building must meet the state's new essential building code, and as such be built to withstand an earthquake.

Trustee Donah also reported that the new town and village web site is almost finished with the help of Jeremy Evans. Eventually Kyle Fuller will maintain site for village and Mike Firtts will maintain site for town.

The Little Logger Park is almost finished should be done by early November.

Town Board members thanked Trustee Donah for updates.

4. Approve Minutes:

Town Clerk provided each board member a drafted copy of minutes dated August 12<sup>th</sup> 2013 for approval.

Motion to approve minutes as written for meeting dated August 12<sup>th</sup> 2013 was made by Councilwoman Lefebvre.

Seconded by Councilman Fletcher

All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

5. Approve Code Officer's report:

Monthly Report  
August 2013

9 Building Permits issued in August

3 Complaints filed

Completed 22 field inspections

August 2013 miles logged 170

Please contact me with any questions or concerns.

Respectfully submitted:

Paul O'Leary  
Code Enforcement Officer  
Town of Tupper Lake

Motion to approve Code Officer's Monthly report was made by Councilwoman Littlefield

Seconded by Councilman Quinn

All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

6. Approve Dog Control Officer's Report:

Town of Tupper Lake  
Dog Control Report

For the Month of: August

Date: 9/3/13

Complaints Received	6
Complaints Answered	6
Dogs Captured	2
Dogs return to owner	2

Dogs turned over to DCO	0
Dogs transported to Humane Society	0
Dogs Adopted	0
Dogs Euthonized	0
Dogs treated by Vet	0
Dangerous Dog Complaints	1

Tickets issued	0
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Mileage 39     DCO Shaheen R Shaheen

Report prepared by Shaheen R Shaheen DCO

Motion to approve Dog Control Officer's Monthly report was made by Councilwoman Lefebvre

Seconded by Councilman Fletcher

All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Fletcher

7. Approve Youth Activity Director's Report:

## **Recreation Report for September 9, 2013**

### **FALL ACTIVITIES:**

**Beach movies:** These will continue indefinitely. While the State Theater is closed I will continue to hold movies at the beach. But instead of doing it on a Sunday they will be on a Friday or Saturday. Also the start time will now be 7:30pm allowing for an earlier night for parents and children. Last week we had a great turnout; about 45. Leo and Diane LaVenture were our sponsors. This week's sponsors are Kathy and Dean Lefebvre. The movie is \_\_\_\_\_ and will be on Friday at 7:30pm.

**Fun Runs:** I've contacted a couple of folks that are interested in helping out with this. I will hold these down at the beach and begin this week. I've mapped out a course that comes out to about a mile. It would be for elementary aged kids and would last for approximately an hour.

**Halloween Bash:** I suspect the Tupper Lake Youth Council and myself will soon begin working of this year's dance. As you know it has been wildly successful in the past. Created as an alternative to mischief night this dance has taken place in the HGA gymnasium and features games and costume contests.

**OkTupperfest:** I told Michelle that I would help out with some kids activities at this event. I'll also use it as an avenue to recruit for the cross country after school skiing program.

**I'm also** going to throw up some flyers at the high school to see if any are interested in playing some pickup beach soccer games at Little Wolf Beach. I've tried before to not much response but figured I'd try again. I'll likely do this on a weeknight as I'm committing myself to tying up my weekends for movies and fun runs.

### **OTHER:**

I've been looking into reservation software for the campground. The cheapest I've found around \$700. It might be useful to have to avoid any scheduling conflicts in the future although there was only one alleged conflict this year.

### **Cross Country Ski Center report:**

As I mentioned in my last report I had scheduled a meeting with parties involved in maintaining the ski center. Paul O'Leary, Patricia Littlefield, John Gillis, James Frenette, Eric Lanthier and John Quinn and me attended. Below are the minutes from the meeting.

As mentioned previously we are looking to expand the trail system this year. To start we are looking to cut a trail starting near the pro-shop that goes through the woods and connects near Cranberry Pond. This would allow skiers to avoid the upper portion of the golf course which is often windy. It would provide a nice trek through the woods. This would involve some work but a lot would be done by the volunteers. Some cutting would be necessary. We are asking the town board's permission to start this project. The first phase of expansion is all on town land.

### **LIST OF EQUIPMENT WANTS/NEEDS**

- 6 new laminated signs. These are cheap. They cost approximately \$30 to have done.
- Trail Plainer – Dan King has agreed to build this for us. The estimated cost is \$1,800.
- Deep Cycle Battery – This can be purchased from NAPA for about \$100.
- Wood Material – This material would help fortify some of the bridges along the network.
- Machine work – We estimated \$1,000 to borrow or hire an excavator and/or operator to perform maintenance along the network. However someone has recently stepped up and volunteered his equipment and services for this work to be done. And another group has agreed to donate a sufficient amount of telephone poles to aid in construction of bridges.
- I also have Mike Gaff looking into constructing an archway for the entrance to the new trail.

LONG TERM WANTS – We would like to down the line purchase a mower for the trails. This comes with a hefty price tag; about \$4,000. Of course we will continue to actively seek donations and hold more fundraisers to help us get closer to this goal.

As part of my budget request I'm asking the board allocate \$2,500 to be used for general maintenance and upkeep of the sleds and trail system. This would include such things as sled tune-ups, fuel expenditures, port-a-potty rental, and repair. This would allow the money

collected through fundraising, donations and Paramount Pictures be used for trail improvement and enhancement such as new trails and improved grooming equipment.

#### SCHEDULE OF EVENTS

Sept 21st: Trail Work Bee.

Rain Date – Sept 28th.

Jan 1st OR 4th Either hold New Year's Eve bonfire, OR Skiing with the stars on Jan 4th. Let me know what you think of holding a New Year's Eve event.

Jan 18th: Full Moon Ski

Feb 1st: Skiing with the stars

Feb 15th: Full Moon Ski

Feb 22nd: Lumberjack Scramble.

March 1: Skiing with the stars.

March 15th: Full Moon Ski – Year End Celebration – if we actually have snow.

We would like to have the sleds serviced by December 1<sup>st</sup>. The Bear Cat machine needs a new cooler and power switcher, which Jesse Kavanagh has, so we'll get the machine to him to fix and tune. The Skandic was recommended be taken to Darwin for service and tune-up. We also are going to ask the Country Club Board for use of three stalls this season.

We would also like to utilize the pro-shop again this winter. Ms. Littlefield is checking with a local group that might be willing to man the pro-shop on weekends and use it as a fundraiser for their club.

**Mike introduced Sarah Pratt**, who runs Timber Tots Childcare, she wish to speak to board members about her plan to develop an after school program. Sarah is applying for a grant through the Project Learning Tree Greenworks program. Sarah is asking the town to partner with her along with the school district and Wild Center. If funded the Program will began next fall and would be open to grades kindergarten to age 12. She asked for a letter of support from the town board which they agreed to.

Motion to approve Youth Activity Director's monthly report was made by Councilman Quinn

Seconded by Councilwoman Lefebvre

All Town Board Members voted AYE 5/0 Amell, Lefebvre, Quinn, Littlefield & Quinn

8. Approve Agreement with Adirondack  
Park Local Government Review Board:

#### RESOLUTION #23-2013

#### A G R E E M E N T

**THIS AGREEMENT** made September 9, 2013 between the **TOWN OF TUPPER LAKE** hereinafter referred to as the **TOWN**, and the **ADIRONDACK PARK LOCAL**

**GOVERNMENT REVIEW BOARD**, a Board duly organized and existing pursuant to the provisions of §803-a of the Executive Law of the State of New York, acting by and through its duly appointed members, hereinafter referred to as the **REVIEW BOARD**.

**WHEREAS**, the **Review Board** was created by the Legislature of the State of New York and is composed of representatives appointed by the county legislatures of the counties lying in whole or in part within the Adirondack Park; and

**WHEREAS**, the Legislature of the State of New York has provided only partial funding for the **REVIEW BOARD** to perform its statutory functions as outlined in Executive Law §803a, and recently reduced that funding by 53%, and

**WHEREAS**, the TOWN has authorized an appropriation in the sum of Three Hundred (\$300.00) Dollars (\$ 300) in support of the work of the **REVIEW BOARD** in representing the interests of the local governments of the Adirondacks; and

**NOW, THEREFORE**, it is agreed as follows:

The **TOWN** agrees to pay to the **REVIEW BOARD** the sum of Three Hundred (\$300.00) Dollars (\$ 300) for the services of the **REVIEW BOARD** in representing the **TOWN** in matters relating to the Adirondack Park.

The **REVIEW BOARD** agrees to provide to the **TOWN** the benefit of its services, including but not limited to, attendance at meetings of the Adirondack Park Agency, attendance and participation at public hearings conducted by the Adirondack Park Agency on projects under review by said Agency, periodic reports on the activities of the Adirondack Park Agency to the Supervisor of the **TOWN**, especially as such activities affect the residents of the **TOWN** and generally to report on the administration and enforcement of the Land Use and Development Plan set forth in the Executive Law of the State of New York.

Motion: Councilwoman Lefebvre  
 Seconded: Councilwoman Littlefield  
 Action: Carried 5/0 vote  
 Date: September 9, 2013

THE TOWN OF TUPPER LAKE  
 By Roger J Amell, Supervisor

ADIRONDACK PARK LOCAL GOVERNMENT  
 REVIEW BOARD  
 By Frederick H. Monroe  
 Executive Director

9. Reappoint Assessor:

**RESOLUTION #24 – 2013**

**OF**

**THE TOWN BOARD OF THE TOWN OF TUPPER LAKE  
FRANKLIN COUNTY, NEW YORK**

**WHEREAS**, a letter from the State of New York Office of Real Property Services making Town Board members aware that the appointed assessor term expires September 30, 2013 in New York State and;

**WHEREAS**, Pursuant to Real Property Tax Law (RPTL), §310.2, the appointed assessor has a six-year term of office. The next term will begin October 1, 2013 and end September 30, 2019 and;

**NOW THEREFORE BE IT RESOLVED**, at a regular town board meeting held September 9, 2013, Town Board members passed a resolution to re-appoint Paul O’Leary as the Town of Tupper Lake Town Assessor for another 6-year term, effective October 1, 2013.

Motion: Councilman Quinn

Seconded: Councilwoman Lefebvre

Action: Carried 5/0 vote Amell, Lefebvre, Quinn, Littlefield & Fletcher

Date: September 9, 2013

Seal

\_\_\_\_\_  
Laurie J. Fuller – Town Clerk, RMC

10. Approve resolution requesting  
Stop sign on Barry Ave.:

**RESOLUTION #25 / 2013**

**OF**

**THE TOWN BOARD OF THE TOWN OF TUPPER LAKE  
FRANKLIN COUNTY, NEW YORK**

Resolution requesting STOP sign be installed at intersection of Barry Avenue & Brentwood Avenue



**WHEREAS;** The Town of Tupper Lake at a regular Town Board meeting hereby requested the Department of Transportation, pursuant to Section 1622.1 of the Vehicle and Traffic Law, put a STOP sign at the intersection of Barry Avenue & Brentwood Avenue in Tupper Lake New York, and

**WHEREAS;** requesting a STOP sign at this location the Town Board feels this will create a safer environment for the neighborhood.

**RESOLVED;** The Town Board of the Town of Tupper Lake passed a resolution at the regular board meeting held on September 9, 2013, requesting the Department of Transportation to install a STOP sign at the intersection of Barry and Brentwood Avenue.

Motion: Councilwoman Littlefield

Seconded: Councilman Quinn

Action: Carried 5/0 vote Amell, Lefebvre, Quinn, Littlefield & Fletcher

Date: September 9, 2013

Seal

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Laurie J Fuller – Town Clerk, RMC

11. Discuss putting  
Setting Pole Dam out to bid:

After Dennis Ryan's presentation on possibly purchasing Setting Pole Dam, Supervisor Amell called for a motion to put Setting Pole Dam out to bid with a \$400,000. minimum offer. The dam is assessed for \$436,000.

Councilman Quinn suggested having it professionally appraised. Supervisor Amell stated he had called several regional appraisers. The estimates to have appraised were between \$6,500. and \$8,500. Supervisor Amell also stated the dam has stress cracks which need to be fixed. The cost of an engineering study just to determine how much the repairs will cost, will run the town \$25,000.

Motion to put out to bid Setting Pole Dam and seven acre property at a minimum bid of \$400,000., was made by Councilwoman Lefebvre

Seconded by Councilman Fletcher  
All Town Board Members voted 4/1

Supervisor Amell	AYE
Councilwoman Lefebvre	AYE
Councilman Quinn	NYE reason being value, feels should be appraised first
Councilwoman Littlefield	AYE
Councilman Fletcher	AYE

Town Attorney Kirk Gagnier will draw up Legal Notice and bids will be opened at next board meeting.

12. Resolution for support  
Adk. Assoc. of Towns & Villages:

RESOLUTION #26 / 2013

**RESOLUTION IN SUPPORT OF THE TOWNS OF INDIAN LAKE, LONG LAKE, NEWCOMB, MINERVA AND NORTH HUDSON CONCERNING THEIR PLAN FOR ECONOMIC SUCCESS**

WHEREAS, we are in receipt of a letter from the Five TNC (The Nature Conservancy) Towns (The Upper Hudson Recreation Hub/Indian Lake, Long Lake, Newcomb, Minerva and North Hudson) expressing concerns over the current Adirondack Park Agency process, and

WHEREAS, we deem the “classification” of the newly acquired TNC lands, and the subsequent management of the same, as critically important to the future of the Five Towns and the entire Adirondack Park, and

WHEREAS, we conclude that for all of us to say “It is a new day in the Adirondack Park”, it means we ALL have to do business differently, and

WHEREAS, the sense that the Adirondack Park Agency, may be poised to, “do business as usual”, is of grave concern, and

WHEREAS, staff references to things like the Snowmobile Guidance Document, as an alleged barrier to recreation, are at a minimum disheartening, and

WHEREAS, these observations only reinforce the message which was previously sent by the Adirondack Park Agency, when they failed to offer a broader range of options for public consideration during the recent Classification process, specifically the sad reality that no option considered a campsite, or any significant Intensive Use Area, and

NOW THEREFORE, BE IT RESOLVED that the Tupper Lake Town Board hereby asserts that the desires and the direction of the Upper Hudson Recreation Hub (Indian Lake, Long Lake, Newcomb, Minerva and North Hudson) are absolutely consistent with:

1. The Common Ground Alliance stated vision for a more sustainable/usable Park.
2. The Rec Strategies work asserting the need for more recreational opportunities (the Upper Hudson Recreational Hub was actually showcased as a pilot area).
3. The Adirondack Futures vision for a more usable Park.
4. The highly touted success story involving the Moose River Plains Partnership.
5. The Governor’s stated vision for these lands.
6. Commissioner Marten’s stated vision for these lands.

AND BE IT FURTHER RESOLVED, that it is critically important that the Adirondack Park Agency recognize the physical and logical reasons to classify these lands as Wild Forest:

1. There is an existing network of roads sufficient to support higher levels of use.
2. There are existing bridges, demonstrating these lands are NOT Wilderness Classification.

3. Rights will remain on these lands for motorized use (authorized through 2018 for lease holders and 2019 for TNC) which is absolutely inconsistent with a Wilderness Classification.

AND ALSO BE IT FURTHER RESOLVED, that the use of an Intensive Use Corridor, similar to the successful example demonstrated in the Moose River Plains, is hereby encouraged. This is to allow roadside camping and greater densities of camping, both of which are designed to entice use away from more environmentally sensitive areas. Plus an Intensive Use Corridor will open up the opportunity for a groomed cross country ski trail connection between all of the participating towns.

AND BE IT ALSO RESOLVED, the Association of Towns and Villages hereby goes on record, with the strongest level of support possible, for the Governor's vision that these lands provide recreational opportunities for all recreational users, which is basically captured in the plan set forth by the Upper Hudson Recreation Hub (The Five Towns), and be it further

RESOLVED, at a regular Town Board meeting held September 9, 2013, Town board members passed this resolution of support and copies of this Resolution will be forwarded to Governor Cuomo, Senator Farley, Senator Little, Assemblyman Butler, Assemblyman Stec, NYSDEC Commissioner Martens, APA Chairwoman Ulrich, Hamilton County Board of Supervisors and Essex County Board of Supervisors.

Date: September 9, 2013

Supervisor Roger Amell	AYE
Councilwoman Kathleen Lefebvre	AYE
Councilman John Quinn	ABSTAIN
Councilwoman Patricia Littlefield	AYE
Councilman Gerald Fletcher	AYE

Seal

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Laurie J Fuller – Town of Tupper Lake Town Clerk, RMC

13. Boards answer to Louis Houff's letter:

Supervisor Amell explained Mr. Louis Houff owner of Burnt Island is asking the town board to amend the land use code so he can subdivide his property.  
Town Board members agreed to have the Planning Board take a look at his request, and come back to the town board with a recommendation.

14. Open Bids for trail groomer:

Councilwoman Lefebvre read Legal Notice:

NOTICE TO BIDDERS

Notice is hereby given, pursuant to section 103 of the General Municipal Law that the Town of Tupper Lake is seeking bids for a new or used rubber track trail groomer with a diesel engine, automatic transmission with compatible 8 ft. wide drag for \$40,000 to \$180,000 price range. Sealed bids can be dropped off or mailed to the office of the Town Clerk, 120 Demars Blvd., Tupper Lake, New York 12986 on or before 12:00 p.m. on Monday, September 9, 2013. All bids must be accompanied by a non-collusive certificate. The Town of Tupper Lake reserves the right to reject or to waive any informalities in any and all bids if in the interest of the Town of Tupper Lake.

Town of Tupper Lake  
Laurie J Fuller  
Town Clerk

One bid received Supervisor Amell opened.

Councilwoman Lefebvre read letter;

Pursuant to the notice for request for bids that published in the Tupper Lake Free Press newspaper on out on Aug 21<sup>st</sup> regards the town of Tupper Lake's request proposals for new or used snow groomers, please see attached our proposals on 4 different machines ranging in price from \$42,500 for a pre-owned 1989 Tucker up to \$179,999 for 2 different models of year 2014 Tuckers.

Please note that the prices shown for groomers specifically exclude tow behind drag. The selection of a drag is dependent on which groomer is selected but which ever you opt for price of drag needs to be added to price of groomer.

Also please note, as all of the groomers are current inventory and that all of these have been quoted to other customers the availability of a specific TUCKER SNO-CAT or other groomer cannot be guaranteed unless a deposit is made for that individual unit.

Please do not hesitate to contact us if you have questions or for more details on any of the information herein.

Thank you  
Mike Desmarais

September 9, 2013

Date

Bid opening for:

New or used track trail groomer

**Name**

**Submitted Bid**

Get Sno LLC

1988 Regular Cab Tucker 2000

\$52,500.00  
\$26,350.00 options

1989 Regular Cab Tucker 2000B

\$42,500.00

\$7,350.00 options

2003 Regular Cab Tucker 2000E

\$92,500.00

\$27,320.00 options

2014 Tucker 2000 D1-26-5

\$171,951.00

\$8,682.00 options

\$634.00 discount

2014 Regular Cab Tucker 100 HD

\$174,311.00

\$7,637.00 options

\$1,949.00 discount

Date of Opening **September 9, 2013**

Time of Opening **4:00 p.m.**

Members Present: Supervisor Amell

Councilwoman Lefebvre

Councilman Quinn

Councilwoman Littlefield

Councilman Fletcher

**Bid was awarded to** Town board members rejected bids, did not meet bid spec. bids were to include 8 ft. drag

Town of Tupper Lake  
120 Demars Blvd.  
Tupper Lake, NY 12986

Town Clerk